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311 N. Aberdeen St., 3rd Floor, Chicago, Illinois 60607

MEMO ENDORSE

December 21, 2022

VIA ECF

The Honorable Kenneth M. Karas
United States District Judge for the Southern District of New York
300 Quarropas Street,
White Plains, New York 10601

Re: *Seward v. Det. Camilo R. Antonini, et al*, No. 20-cv-9251 (KMK) (PED)

Dear Honorable Judge Karas:

Plaintiff filed a letter motion on December 2, 2022, asking the Court permission to seal three exhibits in opposition to Defendants' motion for partial summary judgment. Doc. 131. The exhibits consisted of Defendant Robert Puff's ("Defendant Puff") unredacted search warrant affidavit for search of Alan Seward, (Exhibit 9-1); Defendant Puff's text message communications with a confidential informant (Exhibit 11); and Mount Vernon Police Department receipts pertaining to drug purchases by the confidential informant, (Exhibit 12). Defendants filed the unredacted search warrant affidavit under seal, which the Court granted. Doc. 124.

On December 5, 2022, the Court granted the motion with the caveat that the materials were sealed conditionally and then ordering Plaintiff to file a motion to permanently seal the appropriate materials by no later than December 12, 2022. Doc. 136. Plaintiff filed its motion to permanently seal exhibits on December 12, 2022. Doc. 139. On December 14, 2022, the Court responded to that motion stating that "the Court finds that any concerns can be handled via the redaction of any such information within the exhibits, rather than sealing the entire exhibits. Plaintiff is to propose redactions by no later than December 21, 2022." Doc. 140.

Despite counsel's best efforts, Plaintiff made an error by inadvertently filing redacted versions of Exhibits 11 and 12 under seal (doc. 138-2 & 138-3) and not filing those redacted exhibits on the record (doc. 135-12 & 135-13). Plaintiff apologizes to the Court for this error.

Plaintiff respectfully moves the Court for permission to file the redacted versions of the two exhibits in opposition to Defendants' motion for partial summary judgment on the record to replace

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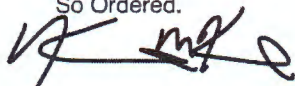
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Exhibits 11 & 12. Plaintiff will submit those proposed redactions to the Court separately. Plaintiff further seeks leave to permanently seal the unredacted search warrant and affidavit (doc. 138-1). According to Defendants, this document contains sensitive information concerning law enforcement techniques, practices and procedures involving confidential informants, and we submit should be filed under seal.

Thank you for your attention to this matter.

Granted.

So Ordered.



12/22/22

Sincerely,

/s/ Heather Lewis Donnell

Heather Lewis Donnell
One of Plaintiff's Counsel

cc: All Counsel of Record (via ECF)